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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,481	08/29/2000	Curtis Wong	MS155614.1	8554
27195 7590 07/17/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
07/17/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com

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# Office Action Summary

**Application No.**

09/650,481

**Applicant(s)**

WONG ET AL.

**Examiner**

ANNAN Q. SHANG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 16-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 16-22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 2/22/08

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments/amendment with respect to claims 1-4, 6, 6, 16-22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

With respect to rejection of the last office action, Applicant amends claims and further argues that the prior arts of record do not teach the amended claim limitations, i.e., "...a universal program global unique identifier that identifies a specific broadcast program in a format compatible with a variety of broadcast platforms" (see page 6+ of Applicant's Remarks)

In response, Examiner disagrees. Examiner notes applicant's arguments/amendment, however, Shoff teaches a head end system which communicates a data structural (includes URL "a universal program global identifier...") to a viewer computing device. The URL identifies a specific broadcast program in a

format compatible with a variety of broadcast platforms (col.4, line 56-col.5, line 23, line 61-col.6, line 67, col.7, lines 1-50 and col.12, line 48-col.13, line 1+). Shoff teaches that the video data streams from the variety of sources are sent to a viewer computing unit in a digital/analog format and furthermore the data structural describes everything about a particular resource that a browser needs to know to request and render information. Hence, Applicant's amendments, do not overcome the prior arts of record as discussed below. The amendments to the claims necessitated the new ground(s) for rejection discussed below. **This office action is non-final.**

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9, 11-16, 18-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)**.

As to claims 1-4, 6-9, 11-16, 18-23 and 25-26, **Shoff** discloses a system (figs.3 and 4) for representing at least one of an audio and visual program comprising:

A token (Packet fig.3) having a schema that identifies a corresponding program so that a recording system (Viewer Computing Device 'VCD' 62) receiving the token is programmable to render the program based on the token, the token being transportable

between at least two computers (VCD 62), the schema comprising a multilevel data structure with a plurality of fields for holding a plurality data types, the schema further comprising a universal global unique identifier (URL) that identifies a specific broadcast program in a format compatible with variety of broadcast platforms (col.4, line 56-col.5, line 23, line 61-col.6, line 67, col.7, lines 1-50 and col.12, line 48-col.13, line 1+).

Shoff teaches including formatting, timing instructions, etc. to enabling rendering of the content by a browser, enabling interactive of various TV programs including enabling trivia game segment allows viewers to compete against other regional competitors of available merchandise related to the program to purchase items (col.11, lines 39-44 and col.12, lines 7-38).

Shoff teaches recording of content (col.7, line 51-col.8, line 3), but silent as to a recording component that obtains the token and schedules a recording of the corresponding program based at least in part on the schema data of the token or local programming data.

However, **Hirata** discloses a system for controlling an electronic device via a control command signal contained in an electronic mail packet via Internet where the email packet identifies a program so that a recording system receiving the packet is programmable to record the program, i.e., "...obtains the token and schedules a recording of corresponding program based on the schema of the token..." (figs.1, 10, col.5, ln.31-64, col.6, lines 40-55, col.7, line 11-45 and col.9, lines 5-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hirata into the system of Shoff to enable a

user to send an email packet for reservation of a recording on a recording device for later playback as desired.

Claim 7 is met as discussed with respect to claims 1-4.

As to claims 8-9, the claimed "An electronic signal..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

Claims 11-15 are met as previously discussed with respect to claims 1-4.

As to claim 16, the claimed "A computer-readable medium having stored there..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

Claims 18 and 19 are met as previously discussed with respect to claims 1-4.

As to claims 20 and 21, the claimed "A system for facilitating programming of an associated device..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

As to claims 22 and 23, the claimed "A method for facilitating programming a recording system ..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

Claims 25 and 26 are met as previously discussed with respect to claims 1-4.

5. Claims 10, 17 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)** as applied to claims 9, 16 and 23 above

As to claims 10, 17 and 24, **Shoff** as modified by **Hirata**, fail to teach including of the token in an attachment to the email. However the examiner gives official notice that it is notoriously well known in the art of electronic mail to use an attachment for the purpose of transporting executable commands.

Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an attachment to transport the control command string for the purpose of separating executables from the text portion of messages.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANNAN Q. SHANG** whose telephone number is **(571)272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

**Annan Q. Shang**